

REMARKS

Reconsideration of the Office action mailed on December 14, 2004 is requested in view of the foregoing amendments and the following remarks.

Double Patenting

The Examiner provisionally rejected claims 1, 15 and 17 under the judicially created doctrine of obviousness-type double patenting in light of claim 2 from co-pending application number 09/929,235. That rejection is traversed because of differences between the claims. Nevertheless, claim 1 has been amended and claims 15 and 17 have been cancelled without prejudice, so the double patenting rejection of these claims is now moot.

Claim Objections

The Examiner objected to claim 2 by saying that the term "elongate" should be "elongated." Applicant believes the terms are synonymous, but has nonetheless made the change. Applicant has made a similar change in claim 8.

Allowable Subject Matter

The Examiner objected to claims 3 and 4 as being dependent upon a rejected base claim but said the claims would be allowable if rewritten in independent form. Instead of amending claims 3 and 4, applicant has amended claim 1 to include the limitations of claims 2 and 3, cancelled claims 2 and 3 without prejudice, and amended claim 4 to depend from claim 1. Applicant changed the word "stop" in claim 1 to "decelerate," and applicant changed the wording of a limitation from claim 2 to say that the ends of the positioning member are adjacent the arbor and brake mechanism.

Claim Rejections – 35 USC 102(b)

Claims 1 and 2 were rejected under 35 USC 102(b) as obvious over U.S. Patent No. 1,811,066 to Tannewitz. That rejection is traversed because Tannewitz fails to show a brake positioning system or a positioning member as set forth in the claims. Nevertheless, the rejection is now moot because applicant has amended claim 1 and cancelled claim 2 without prejudice in order to place the application in a condition for allowance. Applicant reserves the right to pursue claims 1 and 2 in subsequent applications.

Claim Rejections – 35 USC 103

Claim 5 was rejected under 35 USC 103(a) as obvious over Tannewitz combined with U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed because the cited references fail to disclose or suggest a brake positioning system, a positioning member, or a brake positioning system is configured to move the brake mechanism around the perimeter of the blade when the blade is raised and lowered. Nevertheless, this rejection is now moot because claim 5 depends from claim 1 and claim 1 has been amended, as stated. Applicant reserves the right to pursue claim 5 in a subsequent application.

Withdrawn Claims

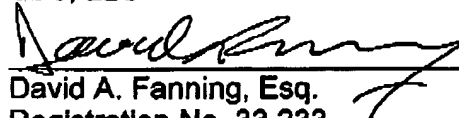
Applicant requests that withdrawn claims 7-14 be reinstated and allowed because they depend, either directly or indirectly, from claim 1 and claim 1 should be allowed.

Conclusion

For the reasons discussed herein, applicant submits that all of the issues raised in the Office action mailed December 14, 2004 have been addressed and overcome, and therefore, the application should be allowed.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to number (703) 872-9306, attention Examiner Ghassem Alie, on the date shown below.

Date: June 6, 2005


David A. Fanning